

RESOLUTION 10-009

A RESOLUTION OF THE IRVINE COMMUNITY LAND TRUST ADOPTING A POLICY FOR THE DISTRIBUTION OF TICKETS AND/OR PASSES TO CONFORM WITH SECTION 18944.1 OF TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, AS AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

WHEREAS, the Fair Political Practices Commission ("FPPC") amended Section 18944.1 of Title 2 of the California Code of Regulations ("Regulation 18944.1"), which amendment became operative on February 7, 2009, that sets forth the circumstances under which certain public agencies may distribute certain tickets and passes to the public agency's officials so as not to trigger a disclosure requirement for the purposes of the official's Statement of Economic Interest Form 700; and

WHEREAS, although the Irvine Community Land Trust ("Land Trust") is a private nonprofit corporation, various State laws that regulate local public agencies have been opined to apply, in certain circumstances, to private nonprofit corporations formed by a local public agency and having a governing body with specified characteristics. To this end, the Land Trust has complied with the Political Reform Act (Government Code section 81000 *et seq.*) and its implementing regulations adopted and enforced by the FPPC; and

WHEREAS, tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility, event, show or performance for an entertainment, amusement, recreational, or similar purpose; and

WHEREAS, Regulation 18944.1 provides that tickets or passes that are distributed by the Land Trust to directors or officials in accordance with a duly adopted policy are not gifts to the receiving director or official; and

WHEREAS, the FPPC recognizes the discretion of the governing body of a public agency to determine whether the distribution of tickets and/or passes to officials serves a legitimate public purpose of the public agency, provided that the determination is consistent with state law; and

WHEREAS, consistent with FPPC policy applicable to public agencies, the Board of Directors, the Land Trust's governing body, will have the discretion to determine whether the Land Trust's distribution of tickets and/or passes to its directors or officials serves a purpose that is consistent with the Land Trust's Articles of Incorporation, its governing policies, and legitimate public purposes associated therewith; and

WHEREAS, from time to time, the Land Trust may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the Land Trust's co-sponsorship of an event, or may purchase tickets or passes for both public and private events for distribution to directors or officials; and

WHEREAS, the distribution to and use of such tickets and passes by directors or officials frequently serve legitimate public purposes; and

WHEREAS, based on such practice and the amended regulations, the Board of Directors desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1.

NOW, THEREFORE, the Board of Directors of the Irvine Community Land Trust DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Policy/Procedure for Distribution of Tickets and or Passes in accordance with Section 18944.1 of Title 2 of the California Code of Regulations, as amended by the FPPC and set forth in Exhibit A to this Resolution, is hereby adopted.

Section 2. The Executive Director is directed to post this policy within 30 days of adoption of this resolution on the Land Trust's web site.

PASSED AND ADOPTED by the Board of Directors at the annual meeting held on the 17th day of March, 2010.

PRESIDENT
IRVINE COMMUNITY LAND TRUST

ATTEST:

SECRETARY
IRVINE COMMUNITY LAND TRUST

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, _____, Secretary of the Irvine Community Land Trust, DO HEREBY CERTIFY that the foregoing resolution was duly adopted at the annual meeting of the Board of the Irvine Community Land Trust, held on the 17th day of March, 2010.

AYES: MEMBERS:

NOES: MEMBERS:

ABSENT: MEMBER:

SECRETARY OF THE IRVINE COMMUNITY LAND TRUST